

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul W. Bobowiec (Reg. No. 47,431) on 02/28/2008.

Claims are amended as follows:

Claim 7 (cancel).

Reasons for Allowance

2. Claims 1- 6 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Acharya (US Patent Application Publication No 2004/02522633) disclose a link capacity adjustment scheme controller which controls the virtual concatenation to set and change the virtual concatenation path bandwidth, based on the addition command or the deletion command of the virtual concatenation member paths issued by the bandwidth set processor (See Page 1, Paragraph [0004]). However, prior art of record fail to teach or render obvious, alone or in combination, an input traffic collector which collects and retains an input traffic amount of each input port for one period at preset periods; a bandwidth set processor which calculates a bandwidth for use in each input

port from the input traffic amount retained in the input traffic collector, calculates the corresponding number of virtual concatenation member paths from the difference of the bandwidth in use and a virtual concatenation path bandwidth having been allocated to the input port, and issues an addition command or a deletion command for adding or deleting the virtual concatenation member paths for the calculated number; a virtual concatenation controller which sets a virtual concatenation path bandwidth against the traffic input from the plurality of ports in combination with all other limitation as recited in independent claim 1.

Prior art of record also fails to teach, or render obvious, alone or in combination, a collector which collects and retains a traffic amount of traffic signals input in each input port for one period at preset periods; and buffers each of which retains the input traffic correspondingly to each of the plurality of input ports, wherein, the preset period for collecting the input traffic amount in the collector is determined by calculating ratios of each buffer size to each maximum bandwidth for the entire plurality of input ports, and using the shortest value as the preset period.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner
Art Unit 2619

/RAMTIN KANGARLOO/
Examiner, Art Unit 2619
February 28, 2008

/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2619